



Federal Communications Commission  
Washington, D.C. 20554

February 2, 2007

DA 07-510

Released: February 2, 2007

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

KOAT Hearst-Argyle Television, Inc.  
KOAT-TV  
c/o Brooks, Pierce, et al.  
P.O. Box 1800  
Raleigh, NC 27602

Re: KOAT Hearst-Argyle Television, Inc.  
KOAT-TV, Albuquerque, NM  
Facility ID No. 53928  
File No. BRCT-20060601BMJ

Dear Licensee:

This refers to your license renewal application for station KOAT-TV, Albuquerque, NM.

In the Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394, Congress directed the Commission to adopt rules, *inter alia*, limiting the number of minutes of commercial matter that television stations may air during children's programming, and to consider in its review of television license renewals the extent to which the licensee has complied with such commercial limits. Pursuant to this statutory mandate, the Commission adopted Section 73.670 of its Rules (the "Rules"), 47 C.F.R. § 73.670, which limits the amount of commercial matter which may be aired during children's programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays. *Children's Television Programming*, 6 FCC Rcd 2111, 2118, *recon. granted in part*, 6 FCC Rcd 5093, 5098 (1991). The commercial limitations became effective on January 1, 1992. *Children's Television Programming*, 6 FCC Rcd 5529, 5530 (1991).

On June 1, 2006, you filed the above-referenced license renewal application for station KOAT-TV. In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station KOAT-TV failed to comply with the limitations on commercial matter in children's programming specified in Section 73.670 of the Rules. In Exhibit 19, you indicate that station KOAT-TV exceeded the children's television commercial limits by four seconds on April 10, 2004. You attribute this overage to human error and describe remedial measures which were taken after this incident to prevent a recurrence.

It appears from the information before us that the overage in question was an isolated and inadvertent violation of the children's television commercial limits. Such *de minimis* violation of

Section 73.670 of the Rules does not warrant further consideration in connection with KOAT-TV's renewal application.<sup>1</sup> Finding you fully qualified to remain a Commission licensee, we conclude that a grant of your application for renewal of license for station KOAT-TV would serve the public interest, convenience and necessity, and BRCT-20060601BMJ IS HEREBY GRANTED.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested, to KOAT Hearst-Argyle Television, Inc. at the address listed above, and to its counsel, Mark J. Prak, Esquire, Brooks Pierce McLendon Humphrey & Leonard, LLP, P.O. Box 1800, Raleigh, NC 27602.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>1</sup> 47 U.S.C. § 309(k)(1).